

RECEIVED
CENTRAL FAX CENTER

APR 30 2010

**SIM & McBURNEY
LOWMAN ASHTON & McKAY LLP**

Sim & McBurney, Patent & Trade-mark Agents | Sim Lowman Ashton & McKay LLP, Barristers & Solicitors

330 University Avenue, 6th Floor
Toronto, Ontario, Canada M5G 1R7
Tel. (416) 595-1155
Fax (416) 595-1163

DATE: April 30, 2010

TO:	FAX No.	PHONE No.
Director of the United States Patent & Trademark Office Mail Stop Appeal Brief – Patents	571-273-8300	

Your File Ref: U.S. Patent Application No. 09/845,497

Our File Ref: 9577-25 LAB

From :	Kimberly A. McManus	Direct Line: (416) 849-8405
		Assistant: (416) 849-8402
		Email: mcmanus@sim-mcburney.com

Total Number of Pages (Including This Page): 27

COMMENTS:

Appl. No.	:	09/845,497	Confirmation No.	:	2340
Applicant	:	ODIDI, Amina and ODIDI, Isa			
Filed:	:	May 1, 2001			
TC/Art Unit	:	1616			
Examiner	:	PRYOR, Alton Nathaniel			
Docket No.	:	9577-25 LAB			
Title	:	EXTENDED RELEASE PHARMACEUTICALS			

Please find attached an Appeal Brief and Fee Transmittal Form with respect to the above-identified application.

Kindly acknowledge receipt by return fax.

Confidentiality Notice

This message is intended only for the use of the individual person or entity to which it is addressed and may contain information that is privileged and confidential. If the reader of this message is not the intended recipient or the agent responsible for delivering the message to the intended recipient, you are hereby notified that any disclosing, copying, distributing or the taking of any action in reliance on the contents of this communication is prohibited. If you have received this communication in error, please notify us immediately by telephone (call collect) and return the original message to us at the above address via the postal service. If any part of this message is received poorly or missing please contact our mailroom at (416) 595-1155 (mailsim@sim-mcburney.com) Thank you.

APR 30 2010

PTO/SB/17 (10-08)

Approved for use through 05/30/2010 OMB 0651-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/08/2004
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818)**FEE TRANSMITTAL**
For FY 2009☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 270.00

Complete if Known

Application Number	09/845,497
Filing Date	05/01/2001
First Named Inventor	QDIDI, Amina
Examiner Name	Pryor, Alton
Art Unit	1616
Attorney Docket No.	9577-25 LAB

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number 192253 Deposit Account Name Sim & McBurney

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	330	165	540	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	52	26
Each independent claim over 3 (including Reissues)	220	110
Multiple dependent claims	390	195

Total Claims - 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims - 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fees Paid (\$)
_____	_____	_____	_____	_____

_____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)


Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Filing a brief in support of an Appeal _____

Fees Paid (\$)

270.00

SUBMITTED BY

Signature		Registration No. 43394 (Attorney/Agent)	Telephone 416-849-8420
Name (Print/Type)	Lora A. Bartoszewicz		Date April 30, 2010

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2